



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF J-L-

DATE: JAN. 2, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner seeks classification as an individual of extraordinary ability in environmental engineering. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner did not submit certified English translations of foreign language documents and had satisfied only one of the initial evidentiary criterion, of which he must meet at least three.

On appeal, the Petitioner presents additional documentation, contending that he meets seven of the ten criteria and qualifies for the classification. He maintains that he intends to operate a consulting firm in [REDACTED] and that “[his] work could address real needs in American society clearly and unequivocally.”

Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Section 203(b)(1)(A) of the Act makes visas available to certain immigrants if:

- (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the alien’s entry into the United States will substantially benefit prospectively the United States.

The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The regulation at 8 C.F.R. § 204.5(h)(3) sets forth two options for satisfying this classification’s initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then he or she must provide documentation that meets at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as qualifying awards, published material in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to present comparable material if he or she can show that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to his or her occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the submitted material in a final merits determination and assess whether the record, as a whole, shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339, 1343 (W.D. Wash. 2011). This two-step analysis is consistent with our holding that the “truth is to be determined not by the quantity of evidence alone but by its quality,” as well as the principle that we examine “each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.” *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

## II. ANALYSIS

In an August 2016 statement, the Petitioner indicates that he is “an established scientist” with “three decades of professional experience.” He maintains that he has “devoted all [his] life to environmental engineering and related research, especially in water supply and wastewater disposal to solve major environmental problems such as water pollution.” According to his 2016 “Statement Detailing My Plan to Continue Work in the United States,” if the petition is approved, he intends to work as the “Chief Consultant” for a consulting firm<sup>1</sup> that he will establish “on water pollution prevention and control in America to make the information and technology [he had] gathered or developed from [his] previous research in China and Japan available in the United States.”

We have reviewed all the documents in the record, including those not specifically discussed in this decision, and conclude that they do not show the Petitioner has satisfied the initial evidence requirement of presenting documentation meeting at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x).

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<sup>1</sup> According to a letter from [REDACTED] a company in [REDACTED] China, it “has authorized [the Petitioner] to set up a consulting firm . . . in America as its U.S. affiliate.”



B. Initial Evidentiary Criteria<sup>2</sup>

*Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).*

To satisfy this criterion, the Petitioner must demonstrate that his prizes or awards are nationally or internationally recognized for excellence in the field. He has not made such a showing. His accomplishments include his receipt of the following:

- (1) a First Prize [REDACTED]
- (2) a Second Prize [REDACTED]
- (3) two First Prize [REDACTED]
- (4) the "2006 [REDACTED]
- (5) a First Prize [REDACTED]
- (6) certificates confirming the Petitioner's completion of academic studies; and
- (7) a qualification certificate of registered environmental protection engineer from the Personnel Department of [REDACTED]

The Petitioner has offered letters from other scientists concerning these accomplishments. For example, in his November 2017 letter, [REDACTED] of [REDACTED] states that the Petitioner's awards and honors "are nationally or internationally recognized for excellence in the field" because "[m]any of them were from national government and professional organizations directly." He claims, "[a]s far as [he] know[s], [the award from the [REDACTED] is the highest honor for a university researcher in the entire country," the [REDACTED] "is one of the largest national professional associations in the industry," and the publication [REDACTED] is "a journal of national and international impact in the field."

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<sup>2</sup> The Petitioner has not alleged, and the record does not establish, that he has received a one-time achievement, that is a major, internationally recognized award. See 8 C.F.R. § 204.5(h)(3). We will discuss the evidence concerning the seven criteria that he claims to meet.

[REDACTED] of the [REDACTED] offers similar opinions, claiming that the Petitioner has “received many nationally and internationally recognized honors and awards.” [REDACTED] of [REDACTED] maintains that the Petitioner’s award from the [REDACTED] “is considered the highest honor for academic researchers in the entire country,” and [REDACTED] of [REDACTED] in Ireland, indicates that the Petitioner’s awards are “major national awards.”

These letters, however, are insufficient to establish that the Petitioner has received qualifying awards or prizes under 8 C.F.R. § 204.5(h)(3)(i). Specifically, while several individuals claim that the Petitioner’s award from the [REDACTED] is the highest honor a university researcher could receive in China, neither they nor the Petitioner have explained the bases of, or pointed to documents in the record that support, this conclusion. While the award certificate states that it is to recognize “major contributions in furthering advancement of science and technology,” the record lacks independent and credible evidence, such as reports from national or international publications discussing the level of recognition that the award enjoys in the field of environmental engineering. The record also does not specify the nomination or selection process or criteria for the award.

In addition, information about an issuing entity’s prominence in a field, without more, is insufficient to confirm that all awards from that organization are nationally or internationally recognized. For example, while the [REDACTED] is a national governmental agency, the Petitioner has not shown that all its awards are nationally recognized for excellence in environmental engineering. Similarly, while the [REDACTED] and the editorial board of [REDACTED] might have certain level of impact in the field, without specific documentation about their awards, the record is insufficient to confirm that the Petitioner’s awards from those entities are qualifying under 8 C.F.R. § 204.5(h)(3)(i).

In his response to the Director’s request for evidence (RFE), the Petitioner offered an online printout from the [REDACTED] formerly known as the [REDACTED]. This document discusses the organization’s activities, referencing that it “organize[s] award programs,” but does not provide any details about the Petitioner’s award or establish that it is nationally or internationally recognized in the field of environmental engineering.

With regard to the other awards and prizes, the Petitioner has not provided specific evidence about them or documentation that confirms that they are recognized nationally or internationally in the field. Likewise, his teaching awards, academic successes, research fellowships, and qualifications as an environmental protection engineer might illustrate that he has the necessary knowledge and experience to be a productive researcher, but are not tantamount to his receipt of nationally or internationally recognized prizes or awards for excellence in the field of environmental engineering. Accordingly, the Petitioner has not met this criterion.

*Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. 8 C.F.R. § 204.5(h)(3)(ii).*

To satisfy this criterion, the Petitioner must show that the associations in which he is a member require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. The Petitioner has not made such a showing. The record includes the following evidence concerning this criterion:

- (1) a certificate of appointment, appointing the Petitioner to be a member of the [REDACTED]
- (2) a certificate, indicating that the Petitioner was elected to be a member of the [REDACTED]
- (3) a certificate of appointment, appointing the Petitioner to be a member of the [REDACTED]
- (4) certificates, noting that the Petitioner would serve as a member of the [REDACTED]

The record includes letters concerning these associations. For example, [REDACTED] provides in his November 2017 letter that the organizations in which the Petitioner is member “are among the most prestigious in the field” and have “many national and international experts among its members.” [REDACTED] further claims that “only those who have made outstanding achievements are elected to [the] national committees.”

In his response to the Director’s RFE, the Petitioner presented a letter from [REDACTED]. The letter, which is not signed and its author is not identified, claims that the Petitioner is a member of “national committees serving as the governing bodies of the larger organizations” and that “their memberships require outstanding achievements as judged by recognized national or international experts in the field.” The letter states that “the individuals who review prospective members’ applications are recognized as national or international experts in their disciplines or fields.”

While these letters include the exact regulatory language concerning this criterion, they do not point to any evidence in the record that substantiates their conclusory statements. The record lacks official documents from the [REDACTED] and the [REDACTED] such as their constitutions, bylaws, or other documents that set forth the processes and criteria under which they select members or appoint them to committees. Without additional

corroboration, statements from the Petitioner and his references that are not substantiated by independent and credible evidence are insufficient to demonstrate that these associations require outstanding achievements of their members, as judged by recognized national or international experts. Accordingly, the Petitioner has not satisfied this criterion.

*Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).*

The Petitioner submits partially translated documents as evidence that he meets this criterion. As discussed, partially translated documents do not meet the regulatory requirements under 8 C.F.R. § 103.2(b)(3), and are insufficient to establish his eligibility for the classification. Even if we were to consider these documents, we would not find that they satisfy this criterion. Specifically, the partially translated documents appear to be three published articles that the Petitioner had authored, and each article includes the same, one sentence description of him. He has not shown that one sentence constitutes “published material about him . . . relating to [his] work,” as required under the regulation. Even if it did, the documents do not indicate who had authored the sentence, as the criterion specifically requires such information. If the Petitioner had authored the description, then he has not demonstrated that such self-promotional material satisfies 8 C.F.R. § 204.5(h)(3)(iii).

The record also includes several printouts showing that websites have posted the Petitioner's information. The Petitioner, however, has not established that these websites constitute “professional or major trade publications or other major media.” In addition, the record lacks information about “the title, date, and author of the material,” as required under the regulation. Accordingly, the Petitioner has not met this criterion.

*Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv).*

To satisfy this criterion, the Petitioner must offer evidence that he has actually judged the work of others, not merely that he has been invited to do so. The Petitioner maintains in his August 2016 statement that he has “judged the work of others’ [*sic*] in the field nearly 100 times for the [REDACTED] as well as provincial level governments ranging from [REDACTED] and [REDACTED] and various industries.”

The Petitioner has offered evidence showing that he was appointed to be the “Deputy Director of the Qualification Evaluation Committee for Senior Professional Positions in [REDACTED] a “Beijing Bid Evaluation Expert” for the [REDACTED] and an “Expert Judge of [REDACTED]

He has also presented additional documentation, showing that he was appointed as an editor or an expert for a number of entities.

According to the Petitioner “has not only been invited to but has actually participated in judging the work of others in the field,” and completes “[a] large number of judging duties . . . on a regular basis.” The record includes reference letters that offer similar statements, but they do not point to evidence that substantiates the claims.

The record lacks evidence of the Petitioner’s actual participation as a judge. For example, while he claims to be an editor for a number of journals, he has not offered evidence that he has reviewed or edited any manuscripts for the publications. Similarly, although he has been named an expert by some organizations, he has not submitted documentation relating to the specific duties he has performed or confirming that the duties involved judging another scientist’s work. Likewise, he has not presented statements from any entities that appointed him as an editor or expert that detail the work he has completed or explain if his work involved his evaluation of another’s work. On appeal, the Petitioner asserts: “It is ludicrous for the [Director] to think that a person would refuse to perform such duties assigned by the national and local government and reject such assignment of honor.” Notwithstanding this statement, it is the Petitioner’s burden to establish he satisfies this criterion, which requires evidence of actual participation as a judge. See section 291 of the Act, 8 U.S.C. § 1361. Without additional evidence that credibly illustrates his activities after the appointments, he has not established that he has actually participated in the judging of the work of others. Accordingly, he has not satisfied this criterion.

*Evidence of the alien’s original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v).

To satisfy this criterion, the Petitioner must establish that not only has he made original contributions but that they have been of major significance in the field of environmental engineering. Major significance in the field may be shown through evidence that his research findings or original methods or processes have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field. The Petitioner claims he meets this criterion based on his scholarly articles, books, conference presentations, research projects, inventions, and reference letters from other scientists.

The record is insufficient to establish that the Petitioner has satisfied this criterion. Although he asserts that the publication of his research is evidence of its significance, the record does not sufficiently demonstrate that his written work has been considered of major significance in the field. He indicates that his findings have been published in Japanese, English, and Chinese, and that they “have received more widespread recognition for their originality and significance, and reached a much wider audience than those of others in the field published or presented in more limited ways.”

According to printouts from google.com, which the Petitioner offers on appeal, his 1998 article has been cited 58 times.



He has not presented additional information on whether his other written work has received any citation or how many it has garnered. He has therefore not shown that the level of interest other scientists have taken to his work – as illustrated, in part, by the number of citations his work has received – supports a finding that he has made contributions of major significance in the field.

While the reference letters discuss the Petitioner's research and articles, and note generally that his work has influenced the field, they do not explain how specifically the work has impacted the field in a major or significant way, consistent with a finding of "contributions of major significance." For example, [REDACTED] states that the Petitioner "made innovative approaches" and that scientists "have applied the [Petitioner's] process to real wastewater treatment in China with great success." He also states that the Petitioner "broke new grounds," made "major contributions to [the field's] understanding of the key environmental issues involved," and "helped many scientists around the world . . . in [their] work." [REDACTED] provides that the Petitioner's work "demonstrate[s] the extraordinary originality and major significance of [his] contributions to the field, as well as the high caliber of expertise he possesses." [REDACTED] also indicates that the Petitioner's findings "are bound to be far reaching." [REDACTED] opines that the Petitioner has "been very productive and successful as born [sic] out by his impressive publication record and the awards and honors he has won." These letters show that the Petitioner's work has had some impact, which might one day be at a higher level, but they are insufficient to confirm that the impact has already risen to the level of "major significance." Although the Petitioner has also received awards for his work, the record does not specify the award issuing entities' selection process or criteria, or otherwise confirm the impact of the work to the field as a whole.

Similarly, several reference letters provide that the Petitioner has been invited to present his findings at conferences. The letters, however, do not explain how his presentation and conference activities have impacted or influenced the field as a whole. Participation in a conference demonstrates that his findings were shared with others, but being selected to present, without more, is not indicative of the major significance of his contributions. Publications and presentations are not sufficient under this criterion absent evidence that they were of "major significance." *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part*, 596 F.3d 1115.

In addition, the Petitioner claims that he meets this criterion because he has received funding, including from governmental agencies and [REDACTED] to conduct his research. An award of grants or funding signifies that the award issuing organization considers the research, as proposed, to have certain level of importance. But to demonstrate that the Petitioner has met this criterion, he must offer evidence that after the completion of the study, or the publication or presentation of the findings, the reaction to his work confirms that it has remarkably impacted or influenced the field as a whole. He has not submitted such evidence. Every research adds information to the pool of knowledge in some way for it to be accepted for publication, presentation, or funding, but not every finding that broadens knowledge in a particular field is tantamount to a scientific contribution of major significance in that field.

The record also includes evidence that the Petitioner has received patent certificates of invention that named him as the inventor. [REDACTED] provides that the Petitioner has “at least 32 . . . patents . . . range from devices, equipment, facilities, process, to methods, and technologies on prevention and mitigation of pollution in water and sludge for environmental protection.” Although the patents show the originality of the Petitioner’s work, without evidence that the invention or innovation has been widely used or adopted in the field, or have otherwise influenced the field in a significant way, the patents do not establish that the Petitioner meets this criterion.

The Petitioner has submitted reference letters, including two from [REDACTED] August 2016 letter contains multiple passages regarding the Petitioner’s contributions to the field that are virtually identical to sections in the Petitioner’s own August 2016 statement. This raises concerns over the letter’s authenticity and the source of its contents. For example, [REDACTED] claims in his August 2016 letter:

. . . For decades, [the Petitioner] has led the successful completion of over 40 major research projects funded by the government at the national, ministerial and provincial levels . . . .

. . . [H]is research findings have been selected for publication or presentation in over 190 journal articles and conference papers, and 9 books, which include monographs, handbooks, government industry standard guidelines, and textbooks, and some of which won top awards. In addition, [the Petitioner] has made a large number of inventions and innovations as demonstrated in his being listed as the first named inventor on over 30 patent certifications. The original nature and major significance of his scientific contributions are truly indisputable.

The Petitioner states in his statement:

. . . Over the years, I have completed over 40 major research projects funded by the government at the national, ministerial and provincial levels . . . . Many of my research findings have been selected for publication or presentation, resulting in over 190 journal articles and conference papers, and 9 books. They include monographs, handbooks, government industry standard guidelines, and textbooks, as well as award-winning publications. In addition, I have made a large number of inventions and innovations, and is [*sic*] the first named inventor on over 30 patents, making the original nature and major significance of my scientific contributions indisputable.

The similarities between these documents do not support a finding that [REDACTED] letter reflects his independent observations, or his informed and unbiased opinion, of the Petitioner’s accomplishments. Regardless, the documents in the record, including those not specifically mentioned, primarily contain attestations of the Petitioner’s status in the field without providing specific examples of how his contributions rise to a level consistent with major significance. Letters that repeat the regulatory language but do not explain how an individual’s contributions have already

influenced the field significantly are insufficient to satisfy this criterion. *Kazarian*, 580 F.3d at 1036. Moreover, we need not accept primarily conclusory statements. *1756, Inc. v. United States Att'y Gen.*, 745 F. Supp. 9, 17 (D.D.C. 1990). Accordingly, the Petitioner has not satisfied this criterion.

*Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.* 8 C.F.R. § 204.5(h)(3)(vi).

The Director concluded that the Petitioner met this criterion. The record supports this finding because it confirms that he has authored scholarly articles, including [REDACTED] which are published in professional publications *Journal of Residuals Science and Technology* and *Biochemical Engineering Journal*, respectively. Accordingly, the Petitioner meets this criterion.

*Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.* 8 C.F.R. § 204.5(h)(3)(viii).

To satisfy this criterion, the Petitioner must offer evidence that he has performed in a leading or critical role for qualifying organizations or establishments. For a leading role, he must show that he is or was a leader.<sup>3</sup> For a critical role, he must demonstrate that he has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. It is not his title of the role, but his performance in the role that determines if it is or was critical.

The Petitioner has indicated that he has held the following titles and positions:

(1) the Deputy Editor-in-Chief of a chapter in [REDACTED]

(2) an editorial board member for [REDACTED]

(3) an Expert of the [REDACTED]

(4) a Technology Expert of the [REDACTED]

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<sup>3</sup> See USCIS Policy Memorandum PM-602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 10* (Dec. 22, 2010), <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/i-140-evidence-pm-6002-005-1.pdf>.

- (5) a member “of the [REDACTED]
- (6) a professor, supervisor of Ph.D. students, and deputy department chair for the [REDACTED]
- (7) a research fellow at [REDACTED]
- (8) an executive for [REDACTED]

While the Petitioner has offered evidence of his association with the above referenced entities, he has not presented sufficient evidence demonstrating that he satisfies this criterion. For most of the listed titles and roles, the record lacks sufficient evidence detailing the specific duties that he has performed. Without additional corroboration confirming his work and impact on the organizations, he cannot satisfy the regulatory requirements by offering conclusory statements that he meets the criterion.

The Petitioner has offered some information about his role as a supervisor of Ph.D. students for the [REDACTED] claiming that he has “supervised over 50 candidates for the doctoral and master’s degrees, and over 40 of them have received their degrees.” Some of his references have provided the same information in their letters, but have not specified the basis of their knowledge. The record lacks sufficient evidence detailing what the Petitioner had done as a supervisor of students, including his level of involvement, and how his work was critical to the university as a whole.

Moreover, while the record shows that the Petitioner was a research fellow for two universities in Japan, it is insufficient to confirm that he was either a leader for the universities or that his work was critical to the universities. The Petitioner has also stated that he “played the leading or most critical role or both in . . . projects [that led to publication of articles or presentation of findings] in comparison to others in the same research group.” He, however, has not shown that “projects” constitute “organizations or establishments,” as specified in the criterion.

Furthermore, the record contains insufficient evidence showing that some of the entities for which the Petitioner claims to have performed a qualifying role have a distinguished reputation. For example, evidence that studies had led to publication of scholarly articles or periodicals that had published articles, without documentation of the studies and periodicals’ standing in the field, is insufficient to show they have a distinguished reputation. Similarly, while the Petitioner is an executive at [REDACTED] and has presented information about the companies and their executives, the record does not include sufficient documentation, such as independent media reports, confirming that they have a distinguished reputation. Accordingly, the Petitioner has not satisfied this criterion.

### C. Comparable Evidence

On appeal, the Petitioner claims that he has presented evidence concerning “two comparable categories.” He, however, does not specify what documentation in the record falls under these “two comparable categories.” Regardless, the regulation allows for the submission of comparable evidence if the listed criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the Petitioner’s occupation. *See* USCIS Policy Memorandum PM-602-0005.1, *supra*, at 12. He, however, has not demonstrated that the criteria do not readily apply to his intended occupation as the chief consultant for an environmental engineering firm. In fact, on appeal, he claims that he has met seven of the ten criteria. As such, the Petitioner has not established that he may submit comparable evidence under 8 C.F.R. § 204.5(h)(4).

### III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, upon a review of the record in its entirety, we conclude that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals who are already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r. 1994). Here, the Petitioner has not shown that the significance of his academic, scholarly, research, and professional accomplishments is indicative of the required sustained national or international acclaim or that it is consistent with a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2).

For the foregoing reasons, the Petitioner has not shown that he qualifies for classification as an individual of extraordinary ability.

**ORDER:** The appeal is dismissed.

Cite as *Matter of J-L-*, ID# 1856846 (AAO Jan. 2, 2019)